

Applicant: Schwartz et al.
Serial No.: 10/665,785
Group Art Unit: 3738

PATENT
Docket No. 20220-501

REMARKS

This Amendment is filed in response to the Official Action mailed November 23, 2005 in connection with the above-referenced application. In this Amendment, Claim 17 is cancelled. Claims 11-15 and 18-23 were previously withdrawn. Claims 1-10 and 16 remain pending for further prosecution. Of these claims, Claim 1 is independent.

In the November 23, 2005 Official Action, the Examiner objected to Claim 17 as being of improper dependent form. Claim 17 is cancelled herein. The Examiner rejected Claims 1-10, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent 5,123,917).

The Applicant strongly disagrees with the Examiner regarding the § 102(b) rejections of Claims 1-10, 16 and 17. Nowhere in the *Lee* reference is it suggested that the *Lee* device is a device for absorbing fluid pressure in a body lumen as claimed. Further, *Lee* does not teach or suggest an elastic member having an elasticity selected so as to provide a dampening response to increases in fluid pressure in a body lumen as also claimed.

Rather, *Lee* pertains to an expandable intraluminal vascular graft. The expandable aspect of *Lee* functions to expand a blood vessel and anchor the graft thereto. There is no disclosure nor suggestion within the *Lee* reference supporting an assertion that the *Lee* device could be used to absorb fluid pressure in a body lumen and, as such, is not properly a basis for rejecting the claims. Hence, not only does *Lee* fail to anticipate the claimed invention, *Lee* does not render the present invention obvious.

In light of the foregoing it is submitted that Claims 1-10 and 16 are allowable over *Lee*. Hence, it is requested that the Examiner indicate the allowance of these claims.

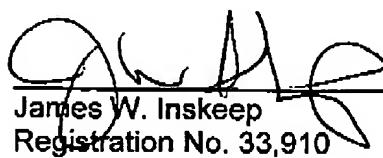
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If questions arise regarding this Amendment or any other matters pertinent to the continued examination of this application, the Examiner is cordially urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Dated: April 24, 2006



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